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**COMMUNITY POLICE OVERSIGHT BOARD**  
DALLAS CITY BOARDS AND COMMISSIONS AGENDA

**Public Notice**

2023 APR -7 PM 5: 00

**CITY SECRETARY  
DALLAS, TEXAS**

TUESDAY, April 11, 2023  
5:30 P.M. Central Time (US & Canada)  
In-person: City Hall Council Chambers 6EN

**230326**

**POSTED** CITY SECRETARY  
DALLAS, TX

The Community Police Oversight Board meeting will be held in person and by videoconference. The following videoconference link is available to the public to listen to the meeting:

<https://dallascityhall.webex.com/dallascityhall/j.php?MTID=m730cb18b5cb06426ceac816e1030f176>

Webinar number:  
2492 413 1444

Webinar password:  
CPOBApril23 (27622774 from phones and video systems)

**Join by phone**  
+1-469-210-7159 United States Toll (Dallas)  
+1-408-418-9388 United States Toll

Access code: 249 241 31444

**CALL TO ORDER**

**PUBLIC COMMENT (MINUTES and ACTION ITEMS)/OPEN MICROPHONE**

**APPROVAL OF MINUTES**

1. Approval of March 14, 2023 Minutes [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Minutes

**ACTION ITEMS**

2.
  - a. Choosing Date for CPOB Defensive Tactics and Physical Training [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

**BRIEFING ITEMS**

3.
  - a. UPDATE: CPOB Annual Report [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

## **Community Police Oversight Board**

April 11, 2023 Meeting Agenda

b. REPORT: March 2023 Officer Involved Shooting: Hernan Gutierrez [OCPO Special Investigator Williams]

**Attachment:** Memo

c. REPORT: DPD Monthly Arrest Data [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

d. UPDATE: CPOB Chair & OCPO Director Monthly Meeting with the DPD Chief of Police Eddie Garcia [CPOB Chairman Enobakhare, Jr. and OCPO Director McClary]

**Attachment:** Memo

e. UPDATE: Status of Independent Investigations Requested by CPOB: Diamond Ross [OCPO Director McClary]

**Attachment:** Memo

f. UPDATE: OCPO Policy Review Protests and Use of Force [OCPO Director McClary]

**Attachment:** Memo

4. Monthly Activity Report [OCPO Director McClary]

**Attachments:** Monthly Activity Report Memo  
Monthly Activity Chart

5. Board Training Schedule [CPOB Chairman Enobakhare, Jr.]

**Attachment:** Memo

6. UPDATE: Board Member Community Engagement [All]

**Attachment:** Memo

### **UPCOMING MEETING**

7. May 9, 2023

**Attachment:** 2023 Schedule

### **PUBLIC COMMENT/OPEN MICROPHONE**

### **ADJOURN**

## **Community Police Oversight Board**

April 11, 2023 Meeting Agenda

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**HANDGUN PROHIBITION NOTICE FOR MEETING  
OF GOVERNMENTAL ENTITIES**

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

# Memorandum Item 2A



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT Choosing Date for CPOB Defensive Tactics and Physical Training

The CPOB is committed to continued training in the fields of police oversight and law enforcement. The next training the Board has requested is on DPD Defensive Tactics and Physical Training.

OCPO Director McClary has worked with the DPD Training Academy staff to come up with three dates that the training can be offered to the Board. See the proposed dates below:

- 1) Saturday, April 29, 2023
- 2) Saturday, May 13, 2023
- 3) Saturday, May 27, 2023

The Board Chairman will lead a discussion on this matter so that the Board can pick a date that works for most of the members.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3A



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: CPOB Annual Report

The CPOB is in the process of producing a multi-year Annual report. The CPOB Chairman wanted to update the Board on the progress and next steps.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

## Memorandum Item 3B



**DATE:** April 11, 2023

CITY OF DALLAS

**TO:** Members of the Community Police Oversight Board

**SUBJECT:** REPORT: March 2023 Officer Involved Shooting: Hernan Gutierrez

During the month of March 2023, there was one Dallas Police Department officer involved shooting. This is the second officer involved shooting in 2023.

**Below is a summary of the facts from DPD:**

On March 19, 2023, at about 6:50 p.m., Senior Corporal Matthew McLain was notified by property management at 1910 Bennett Avenue that a man they believed was involved in a stolen vehicle case earlier in the month where the suspect rammed a marked squad car was at the location.

The preliminary investigation determined Senior Corporal McLain arrived at the apartments and requested backup.

When officers arrived, Senior Corporal McLain and Officer Kimberley Esquivel entered the front of the building and walked through to the back parking lot where they located the suspect, 35-year-old Hernan Gutierrez.

Senior Corporal McLain started engaging with Gutierrez, giving commands, and the suspect pulled away and started to struggle with officers. During the fight, Officer McLain drew and deployed his taser, which was ineffective in controlling the suspect.

As the struggle continued, Gutierrez produced a handgun and fired one round. Officer Esquivel drew her department-issued firearm and shot one time, hitting Gutierrez. The suspect fell on top of his weapon, and officers placed him in handcuffs.

Officers immediately requested Dallas Fire Rescue to the scene and rendered medical aid while monitoring Gutierrez's condition. DFR responded and took Gutierrez to a local hospital in critical condition.

The suspect's weapon was recovered at the scene. The round fired by Gutierrez was located by detectives and hit an occupied apartment north of the incident location. No officers or anyone at the scene was injured.

Gutierrez will be charged with Aggravated Assault on a Public Servant. The suspect is also currently wanted on a federal probation violation for a firearm-related offense.

The investigation is ongoing and is being investigated by the Dallas Police Special Investigations Unit. Additional charges are possible. The Dallas County District Attorney's office were notified and responded to the scene and will conduct their own investigation. The Office of Community Police Oversight was notified.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3C



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT REPORT: DPD Monthly Arrest Data

Attached is the monthly arrest data requested by the Board for the month of March 2023. It was prepared by the Dallas Police Department Crime Analysis – GIS Team of the DPD Research & Development Division.

Chairman Enobakhare, Jr. will lead the Board in a discussion on this item.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

**Attachment**  
Dallas Police Department  
Monthly Arrest Data  
March 2023

# Monthly Arrest (Highest Charge) by Council District, Race, Sex and Zip Code: Mar-2023

| NIBRS Crime                                 | CD 1 | CD 2 | CD 3 | CD 4 | CD 5 | CD 6 | CD 7 | CD 8 | CD 9 | CD 10 | CD 11 | CD 12 | CD 13 | CD 14 | Out/City | Total |
|---|------|------|------|------|------|------|------|------|------|-------|-------|-------|-------|-------|----------|-------|
| AGG ASSAULT - FV                            | 5    | 5    | 1    | 5    | 1    | 5    | 2    | 6    | 2    | 1     | 4     | 2     | 2     |       |          | 41    |
| AGG ASSAULT - NFV                           | 4    | 4    | 2    | 10   | 1    | 3    | 5    | 4    | 1    |       | 1     |       | 1     | 3     | 1        | 40    |
| ALL OTHER LARCENY                           | 1    | 3    | 5    | 2    | 2    | 6    | 2    | 3    |      | 2     | 2     |       | 1     |       |          | 29    |
| ALL OTHER OFFENSES                          | 4    | 13   | 2    | 7    | 2    | 22   | 14   | 11   | 7    | 5     | 6     | 4     | 4     | 6     | 3        | 110   |
| ANIMAL CRUELTY                              |      |      |      |      |      | 1    |      |      |      |       |       |       |       |       |          | 1     |
| APOWW                                       | 17   | 62   | 21   | 25   | 30   | 32   | 38   | 29   | 14   | 16    | 23    | 15    | 24    | 38    |          | 384   |
| ARSON                                       |      |      |      | 1    |      |      |      |      |      |       | 1     |       |       |       |          | 2     |
| BURGLARY-BUSINESS                           | 1    |      |      | 1    | 1    |      |      |      |      | 1     |       |       |       | 6     |          | 10    |
| BURGLARY-RESIDENCE                          | 1    | 1    |      |      | 1    |      |      |      |      | 2     |       |       | 1     |       |          | 6     |
| DECLINED BY JAIL SERGEANT                   |      |      |      |      |      |      |      | 1    |      |       |       |       |       |       |          | 1     |
| DESTRUCTION/ DAMAGE/ VANDALISM OF PROPERTY  |      | 4    |      | 2    |      | 2    | 1    | 2    |      | 1     |       |       |       | 4     |          | 16    |
| DISORDERLY CONDUCT                          |      | 2    |      | 1    |      | 1    |      | 2    |      |       |       |       |       | 3     |          | 9     |
| DRUG EQUIPMENT VIOLATIONS                   | 4    | 6    |      | 1    | 1    | 2    | 4    | 6    | 1    | 2     |       |       | 1     |       |          | 28    |
| DRUG/ NARCOTIC VIOLATIONS                   | 15   | 23   | 13   | 21   | 18   | 41   | 18   | 16   | 10   | 19    | 9     | 5     | 4     | 23    |          | 235   |
| DUI   | 5    | 22   | 5    | 3    | 7    | 24   | 8    | 3    | 6    | 6     | 8     | 1     | 9     | 19    | 1        | 127   |
| FALSE PRETENSES/ SWINDLE/ CONFIDENCE GAME   | 3    | 2    |      | 4    |      | 3    | 1    | 2    |      |       | 4     |       |       |       |          | 19    |
| FONDLING                                    | 1    | 1    |      |      |      |      | 1    |      |      |       |       |       |       |       |          | 3     |
| IDENTITY THEFT                              |      | 1    |      | 1    | 2    | 1    | 1    | 1    |      | 1     | 1     |       |       |       |          | 9     |
| INTIMIDATION                                | 4    | 3    |      | 4    | 1    | 5    | 8    | 4    |      | 1     |       | 1     | 1     | 1     |          | 33    |
| PORNOGRAPHY/ OBSCENE MATERIAL               |      |      |      |      |      |      | 1    |      |      |       |       |       |       |       |          | 1     |
| PROSTITUTION                                |      |      |      |      |      | 33   |      | 1    |      |       |       |       |       |       |          | 34    |
| PUBLIC INTOXICATION                         | 6    | 15   | 3    |      | 1    | 12   | 3    | 1    | 3    | 1     | 8     | 3     | 2     | 14    |          | 72    |
| RAPE  |      |      |      |      |      |      |      |      | 1    |       |       |       |       |       |          | 1     |
| ROBBERY-BUSINESS                            |      |      |      |      | 1    |      |      |      |      | 1     |       | 1     |       |       |          | 3     |
| ROBBERY-INDIVIDUAL                          |      | 2    |      | 2    | 1    | 1    | 2    | 1    |      |       |       |       |       |       | 1        | 10    |
| SHOPLIFTING                                 | 1    | 7    |      | 1    | 2    | 7    | 2    | 1    | 1    | 2     | 1     |       | 9     | 3     |          | 37    |
| SIMPLE ASSAULT                              | 12   | 36   | 26   | 37   | 15   | 28   | 29   | 35   | 19   | 31    | 20    | 24    | 10    | 23    | 7        | 352   |
| THEFT FROM MOTOR VEHICLE                    |      | 4    |      |      |      | 2    | 1    |      |      |       |       |       | 1     | 3     |          | 11    |
| THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES |      | 2    |      |      |      |      |      |      |      |       |       |       |       |       |          | 2     |
| TRAFFIC VIOLATION - HAZARDOUS               | 2    | 2    | 1    | 1    |      | 1    | 1    | 3    |      |       |       | 1     |       | 1     |          | 13    |
| TRAFFIC VIOLATION - NON HAZARDOUS           | 1    |      |      | 1    |      | 6    |      | 1    |      |       |       | 2     |       | 2     |          | 13    |
| TRESPASS OF REAL PROPERTY                   |      | 7    |      | 4    | 1    | 9    | 1    | 2    |      | 1     | 2     | 2     | 2     | 6     |          | 37    |
| UUMV  | 6    | 7    | 1    | 6    | 5    | 16   | 9    | 2    | 4    | 3     |       | 1     |       | 3     | 2        | 65    |
| WARRANT DALLAS PD (AGG ASSAULT - FV)        |      | 2    |      |      | 2    | 1    | 3    | 3    |      |       |       |       | 1     | 1     | 1        | 14    |
| WARRANT DALLAS PD (AGG ASSAULT - NFV)       |      | 3    | 1    |      |      |      | 3    | 1    | 1    | 2     | 1     | 1     | 1     |       |          | 14    |

# Monthly Arrest (Highest Charge) by Council District, Race, Sex and Zip Code: Mar-2023

| NIBRS Crime   | CD 1       | CD 2       | CD 3       | CD 4       | CD 5       | CD 6       | CD 7       | CD 8       | CD 9       | CD 10      | CD 11      | CD 12     | CD 13      | CD 14      | Out/City  | Total       |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|------------|------------|-----------|-------------|
| WARRANT DALLAS PD (AGG ROBBERY - BUSINESS)                |            |            |            |            |            | 1          |            | 1          |            |            |            |           |            |            |           | 2           |
| WARRANT DALLAS PD (AGG ROBBERY - INDIVIDUAL)              |            | 2          | 1          | 1          |            |            |            | 2          |            |            |            |           |            |            |           | 6           |
| WARRANT DALLAS PD (ALIAS/CAPIAS)                          | 7          | 52         | 12         | 17         | 7          | 12         | 19         | 15         | 3          | 10         | 4          | 2         | 2          | 11         |           | 173         |
| WARRANT DALLAS PD (ANIMAL CRUELTY)                        |            | 1          |            |            |            |            |            |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (ARSON)                                 |            | 1          |            |            |            |            |            |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (ASSAULT - FV)                          | 2          | 3          | 3          | 4          | 2          | 3          | 6          | 3          | 1          |            | 1          |           | 1          | 1          | 2         | 32          |
| WARRANT DALLAS PD (ASSAULT - NFV)                         |            | 1          |            | 1          |            |            | 1          | 1          | 1          |            |            |           |            | 2          |           | 7           |
| WARRANT DALLAS PD (BURGLARY - BUSINESS)                   |            |            |            |            |            |            | 1          |            |            |            | 1          |           |            |            |           | 2           |
| WARRANT DALLAS PD (BURGLARY - RESIDENCE)                  |            | 2          |            | 1          | 1          | 1          | 1          |            |            |            |            |           |            |            |           | 6           |
| WARRANT DALLAS PD (CRIMINAL TRESPASS)                     |            |            |            |            |            |            |            |            |            |            | 1          |           |            |            |           | 1           |
| WARRANT DALLAS PD (DRUG/NARCOTICS VIOLATIONS)             |            |            |            | 1          |            |            |            |            |            |            |            |           |            | 1          |           | 2           |
| WARRANT DALLAS PD (EVADING)                               |            |            |            | 1          |            |            |            |            |            | 1          | 1          |           |            |            |           | 3           |
| WARRANT DALLAS PD (FONDLING)                              |            | 1          |            |            |            | 1          |            |            | 1          |            |            |           | 1          |            |           | 4           |
| WARRANT DALLAS PD (HUMAN TRAFFICKING)(COMMERCIAL SEX ACT) |            |            |            |            |            |            |            | 1          |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (MANSLAUGHTER)                          | 1          |            | 1          |            |            |            |            |            |            |            |            |           |            |            |           | 2           |
| WARRANT DALLAS PD (MURDER)                                | 1          | 4          |            | 1          |            | 2          |            |            |            |            |            |           |            |            | 1         | 9           |
| WARRANT DALLAS PD (OFFENSE AGAINST FAMILY)                |            |            |            | 1          |            |            |            |            |            |            |            |           |            |            | 1         | 2           |
| WARRANT DALLAS PD (OTHERS)                                | 2          | 5          |            | 2          |            | 1          | 1          |            |            |            |            |           |            | 1          | 3         | 15          |
| WARRANT DALLAS PD (PUBLIC INTOXICATION)                   |            |            |            |            |            |            |            |            |            |            |            | 1         |            |            |           | 1           |
| WARRANT DALLAS PD (RAPE)                                  | 1          |            |            |            | 2          |            | 1          | 1          |            | 1          | 1          |           |            |            | 3         | 10          |
| WARRANT DALLAS PD (ROBBERY - BUSINESS)                    |            | 1          |            |            |            |            |            |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (SEX OFFENSE - INDECENT CONDUCT)        |            | 1          |            |            |            |            |            |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (SEX OFFENSES)                          |            | 2          |            |            | 1          |            |            |            |            |            |            |           |            |            |           | 3           |
| WARRANT DALLAS PD (SEXUAL ASSAULT WITH OBJECT)            |            |            |            |            |            |            | 1          |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (SODOMY)                                |            |            |            |            |            |            |            |            |            |            |            |           |            |            | 1         | 1           |
| WARRANT DALLAS PD (TERRORISTIC THREAT)                    |            |            |            |            |            |            |            |            |            | 1          |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (THEFT - SHOPLIFT)                      |            |            |            |            |            |            | 1          |            |            |            |            |           |            |            |           | 1           |
| WARRANT DALLAS PD (THEFT OTHER)                           |            |            | 1          |            |            | 3          | 1          |            |            |            |            |           |            |            | 1         | 6           |
| WARRANT DALLAS PD (VANDALISM & CRIMINAL MISCHIEF)         |            |            |            |            |            |            |            | 1          |            |            |            |           |            |            |           | 1           |
| WARRANT HOLD (FEDERAL AGENCY)                             |            |            |            |            |            |            | 1          |            |            | 1          |            |           |            | 1          |           | 3           |
| WARRANT HOLD (NOT A DPD WARRANT)                          | 42         | 81         | 43         | 58         | 21         | 76         | 52         | 47         | 26         | 28         | 17         | 5         | 22         | 30         | 5         | 553         |
| WEAPON LAW VIOLATIONS                                     | 9          | 8          | 9          | 17         | 3          | 15         | 16         | 25         | 5          |            | 4          |           | 1          | 6          | 1         | 119         |
| <b>Total</b>  | <b>158</b> | <b>404</b> | <b>151</b> | <b>245</b> | <b>132</b> | <b>379</b> | <b>260</b> | <b>238</b> | <b>107</b> | <b>140</b> | <b>121</b> | <b>71</b> | <b>101</b> | <b>212</b> | <b>34</b> | <b>2753</b> |

# Monthly Arrest (Highest Charge) by Council District, Race, Sex and Zip Code: Mar-2023

| Race                             | Count       |
|----------------------------------|-------------|
| American Indian or Alaska Native | 4           |
| Asian                            | 10          |
| Black                            | 1442        |
| Hispanic or Latino               | 787         |
| Middle Eastern                   | 12          |
| Native Hawaiian/Pacific Islander | 2           |
| White                            | 496         |
| <b>Total</b>                     | <b>2753</b> |

| Sex          | Count       |
|--------------|-------------|
| Female       | <b>676</b>  |
| Male         | <b>2077</b> |
| <b>Total</b> | <b>2753</b> |

| Council District | Count       |
|------------------|-------------|
| CD 1             | 158         |
| CD 2             | 404         |
| CD 3             | 151         |
| CD 4             | 245         |
| CD 5             | 132         |
| CD 6             | 379         |
| CD 7             | 260         |
| CD 8             | 238         |
| CD 9             | 107         |
| CD 10            | 140         |
| CD 11            | 121         |
| CD 12            | 71          |
| CD 13            | 101         |
| CD 14            | 212         |
| Out/City         | 34          |
| <b>Total</b>     | <b>2753</b> |

| Zip Code     | Top 30 Count |
|--------------|--------------|
| 75216        | <b>173</b>   |
| 75220        | <b>170</b>   |
| 75217        | <b>135</b>   |
| 75215        | <b>130</b>   |
| 75211        | <b>129</b>   |
| 75241        | <b>124</b>   |
| 75228        | <b>116</b>   |
| 75243        | <b>115</b>   |
| 75226        | <b>104</b>   |
| 75229        | <b>101</b>   |
| 75201        | <b>90</b>    |
| 75237        | <b>85</b>    |
| 75208        | <b>74</b>    |
| 75224        | <b>71</b>    |
| 75227        | <b>70</b>    |
| 75204        | <b>67</b>    |
| 75202        | <b>67</b>    |
| 75231        | <b>66</b>    |
| 75235        | <b>64</b>    |
| 75212        | <b>57</b>    |
| 75287        | <b>52</b>    |
| 75219        | <b>48</b>    |
| 75240        | <b>46</b>    |
| 75203        | <b>45</b>    |
| 75210        | <b>41</b>    |
| 75247        | <b>41</b>    |
| 75232        | <b>39</b>    |
| 75206        | <b>39</b>    |
| 75238        | <b>36</b>    |
| 75248        | <b>30</b>    |
| <b>Total</b> | <b>2753</b>  |

# Memorandum Item 3D



DATE April 11, 2023

CITY OF DALLAS

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: CPOB & OCPO Monthly Meeting with DPD Police Chief Eddie Garcia

Every month CPOB Chairman Enobakhare, Jr. and OCPO Director McClary meet with DPD Police Chief Eddie Garcia prior to the monthly CPOB meeting.

Because of conflicts with Chief Garcia's schedule, the March 2023 meeting was canceled, and the April 2023 meeting will be held on April 13<sup>th</sup> which is after the CPOB monthly meeting.

CPOB Chairman Enobakhare, Jr. will give the Board highlights from April 13<sup>th</sup> meeting at the May 9, 2023, CPOB meeting.

## UPDATES from Previous Meetings:

- 1) IAD is working with OCPO to get completed investigations to Director McClary for review and comment prior to final approval by Police Chief Eddie Garcia. Director McClary was sent two cases to review the week of April 3<sup>rd</sup> for review and comment.
- 2) Police Chief Eddie Garcia will be attending the May 9, 2023, CPOB meeting to give the Board a high-level overview of the new DPD use of force dashboard and to give the CPOB a report related to officer discipline.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3E



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: Status of Independent Investigations Requested by CPOB

Below is a current list of cases and their status for independent investigations that the Board has voted for OCPO to conduct:

1) **Name of Complainant:** Diamond Ross

- **Reason For Complaint:**

- (1) Death in Custody

- **Status of Investigation:** Completed. *However, the case is in litigation and cannot be reviewed by the CPOB until the litigation is complete.*

The office is currently looking at 11 other cases for possible investigations.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 3F



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT UPDATE: OCPO Policy Review DPD Protests and Use of Force

OCPO Director McClary has hired a consultant to help OCPO complete the review of the DPD protest and use of force policies.

The consultant is scheduled to complete all their work and gets drafts to OCPO in April. OCPO will work with the consultant to have everything finalized and ready for presentation to the CPOB at the May 9, 2023 meeting.

This deadline is consistent with the timeline that Director McClary presented to the CPOB at their February 2023 meeting for the completion of this project.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 4



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT **Office of Community Police Oversight March 2023 Report**

Attached you will find the March monthly complaint statistical report from the Office of Community Police Oversight (OCPO). This report provides a summation of the total number of external complaints turned in to the OCPO and IAD, the source of the complaints, and the disposition of the complaints. Also attached are an external Complaint Workflow Process diagram and a general definition document that defines categories for no investigation which are listed as “No Investigation” on the monthly reports.

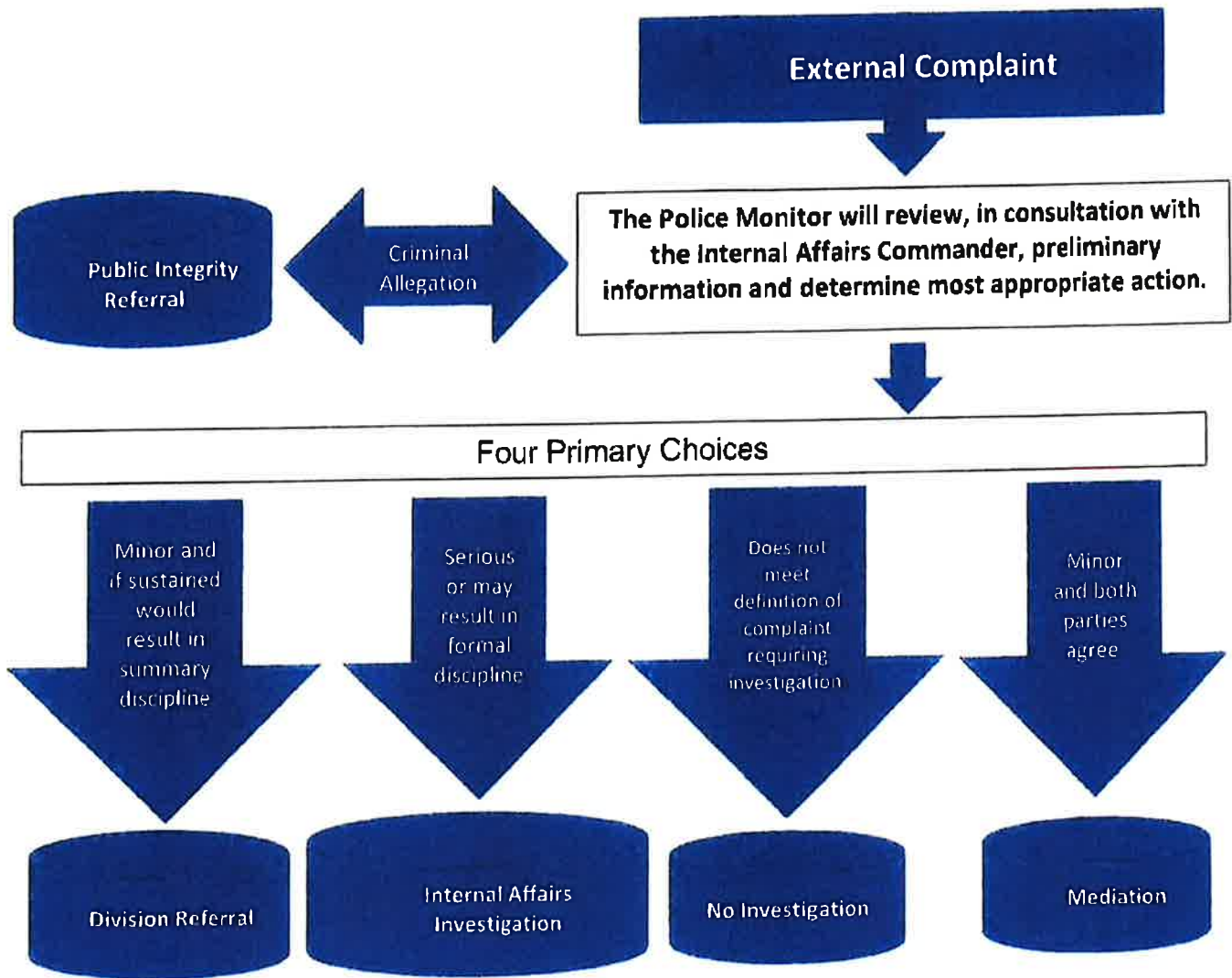
The external complaints for April are in the review process and will be provided once this information has been completed.

Please do not hesitate to reach out should you have any questions or concerns.

Tonya McClary  
OCPO Director

cc: T.C. Broadnax, City Manager

# External Complaint Workflow Process



## External Complaint Workflow

### No Investigation Sub-Classification General Definitions

It is the policy of the Department to accept and investigate all complaints of misconduct or wrongdoing from any citizen as prescribed by state law and Department policy. Complaints are handled in accordance with Texas Government Code, Section 614.021-614.023, as interpreted by the City Attorney.

A No Investigation (NI) number is assigned to information received in the Internal Affairs Division that does not meet the guidelines of a complaint requiring a full investigation by the Department. The information is given a sub-classification for statistical tracking purposes. The current sub-classifications used are:

- **Does not meet criteria-** Complaints relative to differences of opinion between a citizen and the investigating officer regarding the contributing factors listed on an accident report will not be investigated. If a person calls or comes in but does not want to provide a written statement at that time, it will be entered. If they fail to follow up and provide a written complaint in any format, it may result in this sub-classification.
- **Duplicate Complaint-** Person is making a repeated allegation that has already been handled by the department.
- **Fail to Articulate-** Person may be complaining but does not make an allegation of misconduct.
- **Guilt or Innocence-**
  - Complaints relative to differences of opinion between a citizen and an arresting police officer regarding the guilt or innocence of that citizen will not be investigated but will be properly disposed of within the judicial system. If a citizen can furnish evidence that the arrest was malicious and/or illegal, the complaint may be investigated at the discretion of the Internal Affairs Division Commander.
  - Complaints relative to differences of opinion between a police officer and a citizen over the issuance of a traffic citation will not be investigated unless there is an allegation of a violation of law or departmental rules on the part of the officer.
- **Information Only-** A person may just be sending information or needing something from a member of the department. For instance, needing a detective to call them back about a case. A complaint about having to wait a long time for a police response to a 911 call may receive this sub-classification. Information is forwarded to division of responsibility.
- **More Information-** Person makes an allegation of misconduct, but the department needs more information to make determination on how to proceed.

- **No Violation**- Preliminary investigation is able to determine, based on evidence available, there is no violation of department procedures. Complaints involving a citizen's misunderstanding of departmental policy, which are resolved by a supervisor explaining the correct departmental policy and where the citizen is satisfied with the response, will not require investigation.
- **No Violation BWC**- Preliminary investigation is able to determine there is no violation due to review of officer's body worn camera.
- **Non-Employee**- Person makes allegation into misconduct of person who is not an employee of the police department.
- **Sixty Day**- Complaints are not typically accepted more than sixty days after the alleged incident, with the following exceptions:
  - When the complaint involves a criminal violation, the criminal statute of limitations will prevail.
  - When the complainant can show good cause for not making the complaint within the specified time limit.
- **Third Party**- Person complaining has no direct knowledge of incident. Often used when person sends an email or letter after seeing a negative news or social media story.

In all case, the citizen is sent a return letter to inform them that the information or complaint has been received and how it will be handled. If the department is not going to investigate, the reason is given with contact information on who they may call to discuss.

# Memorandum Item 5



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT 2023 Training Schedule for the Board

The CPOB is not only committed to community engagement, but also to continue learning in the areas of oversight, policing, criminal justice, and any other topics the Board deems relevant to its work.

Below is the CPOB Training Schedule for 2023.

## 2023 CPOB Training Calendar

### January

- January 28<sup>th</sup> = Parliamentary Procedure (*1 hour*).

### February

- No training scheduled

### March

- March 14<sup>th</sup> = Community Engagement (*30 minutes*).

### April/May

- April 25<sup>th</sup> = NACOLE webinar *Shielded: How the Police Became Untouchable* (1 hour)
- OCPO Director McClary is working with the DPD Training Academy to schedule a Saturday session on Defensive Tactics and Physical Training.

### November

- November 12<sup>th</sup> -16<sup>th</sup> = 29<sup>th</sup> Annual NACOLE Conference in Chicago, IL

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager

# Memorandum Item 6



CITY OF DALLAS

DATE April 11, 2023

TO Members of the Community Police Oversight Board

SUBJECT 2023 Board Member Updates on Community Engagement

Board members will provide an update on their efforts regarding community engagement.

1. **District 15** = January 31, 2023, *Lemonade with Laurie*: How to work with people in times of disagreement when collaboration seems both imperative and impossible. CPOB Member Davidson was a panelist for this event.
2. **District 3** = (a) February 9-11, 2023 CPOB Chairman Enobakhare, Jr. attend the Alpha Phi Alpha convention in Houston, Texas. During the convention, he moderated a panel and had conversations with attendees about police oversight.  
(b) On February 16, 2023, OCPO hosted a community event with Council Member Thomas at the Thurgood Marshall Recreation Center.
  - CPOB Chairman Enobakhare, Jr. stopped by the event and spoke with participants.
3. **District 12** = February 16, 2023, Council Member Mendelsohn invited Chief Garcia to speak to her residents. She also invited CPOB Member Wadsworth to table at the event and be introduced to the residents.
  - CPOB Chairman Enobakhare, Jr. also attended the event.
4. **Districts 2 & 4** = February 19, 2023, OCPO hosted a candlelight vigil for peace, unity, and healing for victims of police violence at Dallas City Hall.
  - CPOB member Gilbert Smith spoke at the vigil.
  - CPOB member Jonathan Maples attended the vigil.
5. **Districts 2, 3 and 12** = February 27, 2023, OCPO hosted a Black History Month Celebration at Dallas City Hall featuring keynote speaker Opal Lee.
  - CPOB Chairman Enobakhare, Jr., and members Maples and Wadsworth attended the event and were recognized.

6. **Districts 2 & 3** = March 23, 2023. OCPO co-hosted with the CPOB and CM Casey Thomas an event entitled: Conversations to Move Dallas Forward.

- CPOB Member Jonathan Maples represented the CPOB on the panel that included oversight practitioners and members of DPD.
- CPOB Chairman Enobakhare, Jr. also attended the event and spoke with members of the community after the event.

Tonya McClary  
OCPO Director

Cc: T.C. Broadnax, City Manager



## **Community Police Oversight Board (CPOB) 2022 Schedule**

City Hall  
1500 Marilla Street  
Dallas, Texas 75201

### **Item 7**

Community Police Oversight Board meetings are held every 2nd Tuesday of each month unless noted otherwise. Meetings are held at Dallas City Hall, 1500 Marilla, City Hall Council Chambers (6EN) or City Hall Council Briefing Chambers (6ES) AND virtually. Meetings normally begin at 5:30 p.m. unless noted otherwise.

January 10, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

February 14, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

March 14, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

April 11, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

**May 9, 2023 – City Hall Council Briefing Chambers 6ES and  
Video Conference at 5:30 p.m.**

June 13, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

July 11, 2023 – City Hall Council Briefing Chambers 6ES and Video Conference at 5:30 p.m.

August 8, 2023 – City Hall Council Chambers 6EN and Video Conference at 5:30 p.m.

September 12, 2023 – Location to be determined and Video Conference at 5:30 p.m.

October 10, 2023 – Location to be determined and Video Conference at 5:30 p.m.

November 14, 2023 – Location to be determined and Video Conference at 5:30 p.m.

December 12, 2023 – Location to be determined and Video Conference at 5:30 p.m.